

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELIZABETH DE LA CRUZ MARTE,
Plaintiff,

-v-

FRANK BISIGNANO,
Defendant.

20-CV-494 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On April 25, 2023, after bringing suit in this Court (ECF No. 1) and stipulating to remand to the Commissioner of Social Security (ECF No. 23), Elizabeth De La Cruz Marte received a Notice of Award of \$163,609.90 from the Social Security Administration (“SSA”) (ECF No. 26 at 3). Her attorney, Christopher James Bowes, now seeks attorney’s fees pursuant to a contingent fee agreement signed by De La Cruz Marte. (ECF No. 25.)

The Defendant, Commissioner Frank Bisignano,¹ does not take a position on the motion, but agrees that Bowes “does not appear” to be asking for more than 25% of De La Cruz Marte’s total award (ECF No. 31 at 1), which is the maximum percentage permitted by statute, *see* 42 U.S.C. § 406(b), and the percentage the SSA has reserves for the purpose of repaying litigants’ attorneys (ECF No. 31 at 2 n.2).

In support of his motion for fees, Bowes attaches the retainer agreement, signed by De La Cruz Marte, stating that Bowes will collect 25% “of all past due benefits at the time of the

¹ The Court substitutes the former Commissioner Defendant’s name with that of the current Commissioner for Social Security. *See* Fed. R. Civ. P. 25(d). The Clerk of Court is directed to amend the case caption.

award as compensation for his legal services.” (ECF No. 26 at 12.) He also attaches a time sheet documenting the 30.1 hours he spent on De La Cruz Marte’s case. (*Id.* at 14.)

Bowes seeks \$40,902.48 total in attorney’s fees, which would equal an hourly rate of \$1,358.89. (*Id.* at 5.) However, because De La Cruz Marte is “entitled to a credit of the \$6,403.83 in Equal Access to Justice Act attorneys fees” that have already been received by Bowes, he seeks a net fee of \$34,498.66 from the Commission. (ECF No. 27 at 3-4.)

Because Bowes does not seek more than the statutory maximum of 25% of De La Cruz Marte’s past-due benefits award, *see* 42 U.S.C. § 406(b), and the rate at which Bowes will be remunerated is a reasonable rate given the years he represented De La Cruz Marte and his thirty-years’ experience in the field of SSA litigation (ECF No. 26 at 8), *see, e.g., Fields v. Kijakazi*, 24 F.4th 845, 854-56 (2d Cir. 2022) (approving a \$1,556.98 hourly rate in a SSA benefits case where the attorney had “substantial experience and expertise” in agency adjudication), the Court grants Bowes the full net fee of \$34,498.66.

For the foregoing reasons, Plaintiff’s motion for attorney’s fees is GRANTED.

The Clerk of Court is directed to close the motion at Docket Number 25.

SO ORDERED.

Dated: June 24, 2025
New York, New York



J. PAUL OETKEN
United States District Judge